

**A SUBSTITUTE ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO AUTHORIZE THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND TO ACCEPT THE DONATION OF APPROXIMATELY 1.08 ACRES OF PROPERTY LOCATED AT MACON DRIVE AND MT. ZION ROAD FROM MICHAEL TURGEON OR CURRENT LAND OWNER ("THE PROPERTY"), FOR THE PURPOSE OF CREATING A NEW PARK IN COUNCIL DISTRICT 12 ("PARK"), IN AN AMOUNT NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00). THE CITY'S PURCHASE PRICE, CLOSING COSTS, DUE DILIGENCE, AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE SOUTH AS SHOWN BELOW AND AMENDING THE 2013 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET FOR THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFIARS AND THE DEPARTMENT OF FINANCE BY TRANSFERRING BETWEEN ACCOUNTS THE SUM OF SIXTY THOUSAND (\$60,000.00); AND FOR OTHER PURPOSES

WHEREAS, Michael Turgeon ("Owner") has offered to donate approximately 0.94 acres of property, located at Macon Drive and Mt. Zion Road, Atlanta, Georgia, Parcel Identification Numbers 14-0061-0003-080-6, 14-0061-0003-069-9, and 14-0061-0003-068-1 ("the Property") for the purpose of creating a Park (See attached Exhibit "A"); and

WHEREAS, accepting the Property is consistent with the City's goals of greenspace acquisition, preservation and park expansion.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

SECTION 1: The Chief Procurement Officer or his designee, on behalf of the City, is hereby authorized to negotiate with the Owner or current landowner to accept the donation of all or part of the real property located at Macon Drive and Mt. Zion Road, Atlanta, Georgia, Parcel Identification Numbers 14-0061-0003-080-6, 14-0061-0003-069-9, and 14-0061-0003-068-1 ("the Property").

SECTION 2: The Chief Procurement Officer or his designee is hereby authorized to obtain or review surveys, title reports, environmental assessments, and appraisals to establish the Fair Market Value of the Property. In addition, the Chief Procurement Officer or his designee is authorized to obtain and pay for those items and services necessary to acquire the Property, including but not limited to title insurance, real estate service fees, site development, signage,

fencing, closing costs and other costs of acquisition (“The City’s Due Diligence and Purchase Services”).

SECTION 3: The 2013 General Government Capital Outlay Fund Budget, Department of Planning and Community Development is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

\$60,000.00 from 3502 (General Government Capital Fund) 100101 (DOF Chief Financial Officer) 5999999 (Reserve Conversion Account – Class 1) 1320000 (Chief Executive) 201072 (Admin. Development Recoupment Fees) 91110 (Funding Source SWMA Loan 9991)

<u>Project:</u>	10201072	SWMA Loan 9991
<u>Task:</u>	101	SWMA Loan 9991
<u>Award:</u>	350291110	SWMA Loan 9991
<u>Expense:</u>	5999901	Projects and Grants Budget
<u>Org City of Atlanta</u>		

TOTAL	\$60,000.00
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ADD TO AWARD INSTALLMENT

The amount of :	\$60,000.00	<u>SWMA Loan 9988/D.I.F. Parks-South</u> 350291108
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TRANSFER TO APPROPRIATIONS						
PTAEO				GENERAL LEDGER		
PROJECT NU	14201997	GREENSPACE P PARKS		FUND	3502	GENERAL GOV CAPITAL
TASK NUMB	114	Swann Preserv Expand		GL DEPT	140106	PRC PARKS DE
AWARD NUM	350291108	SWMA LOAN 9 D.I.F. Parks-Sou		EXPENSE ACCT	5999999	PROJECTS AND GRANTS BUDG
EXPENSE AC	5411001	LAND		FUNCTION/ACTIVITY	6220000	PARK AREAS
OWNING OR	COA	SWMA LOAN		GL PROJECT	201998	GREENSPACE PARKS South
				GL FUNDING SOURCE	91108	SWMA LOAN D.I. F. Parks-S

TOTAL	\$60,000.00
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SECTION 4: The City's Purchase Price, Due Diligence and Purchase Services, in an amount not to exceed sixty thousand dollars (\$60,000.00) shall be paid from Park Impact Fee South 14201997 (Project), 114 (Task), 350291108 (Award), 5411001 (Expense Type Land).

SECTION 5: Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Office of Parks, is hereby charged with all responsibility for the Property and shall retain the land in perpetuity as a public park. Nothing in this ordinance shall prohibit the development of this property for uses consistent with generally accepted park activities, including but not limited to trails, playgrounds, picnic areas, parking, and gazebos. Nothing in this section shall preclude a neighborhood group(s) or other private entity from maintaining all or part of the property pursuant to an agreement with the City.

SECTION 6: The City's Greenspace Acquisition Consultant, ("the Consultant") is authorized to settle the acquisition of the Property at an amount authorized by the Chief Procurement Officer. The Consultant may also arrange and negotiate for the Due Diligence and Purchase Services.

SECTION 7: The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

SECTION 8: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

SECTION 9: The City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance.

SECTION 10: Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been approved by the City Attorney as to form, attested to by the Municipal Clerk, and signed by the Mayor.

SECTION 11: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

**AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE**

13- 0 -0454

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<u>Project:</u>	10201072	SWMA Loan 9991
<u>Task:</u>	101	SWMA Loan 9991
<u>Award:</u>	350291110	SWMA Loan 9991
<u>Expense:</u>	5999999	Projects and Grants Budget
<u>Org City of Atlanta</u>		

TOTAL	\$60,000.00
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ADD TO AWARD INSTALLMENT

The amount of :	\$60,000.00	<u>SWMA Loan 9988/D.I.F. Parks-South</u> 350291108
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TRANSFER TO APPROPRIATIONS						
PTAEO				GENERAL LEDGER		
PROJECT NUMBER	14201997	GREENSPACE PGM; PARKS		FUND	3502	GENERAL GOV. CAPITAL
TASK NUMBER	114	Swann Preserve Park Expand		GL DEPT	140106	PRC PARKS DESIGN
AWARD NUMBER	350291108	SWMA LOAN 9987/ D.I.F. Parks-South		EXPENSE ACCT	5999999	PROJECTS AND GRANTS BUDGET
EXPENSE ACCOUNT	5411001	LAND		FUNCTION/ACTIVITY	6220000	PARK AREAS
OWNING ORG	COA	SWMA LOAN		GL PROJECT	201998	GREENSPACE PGM; PARKS South
				GL FUNDING SOURCE	91108	SWMA LOAN 9988/ D.I. F. Parks-South

TOTAL	\$60,000.00
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SECTION 8: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

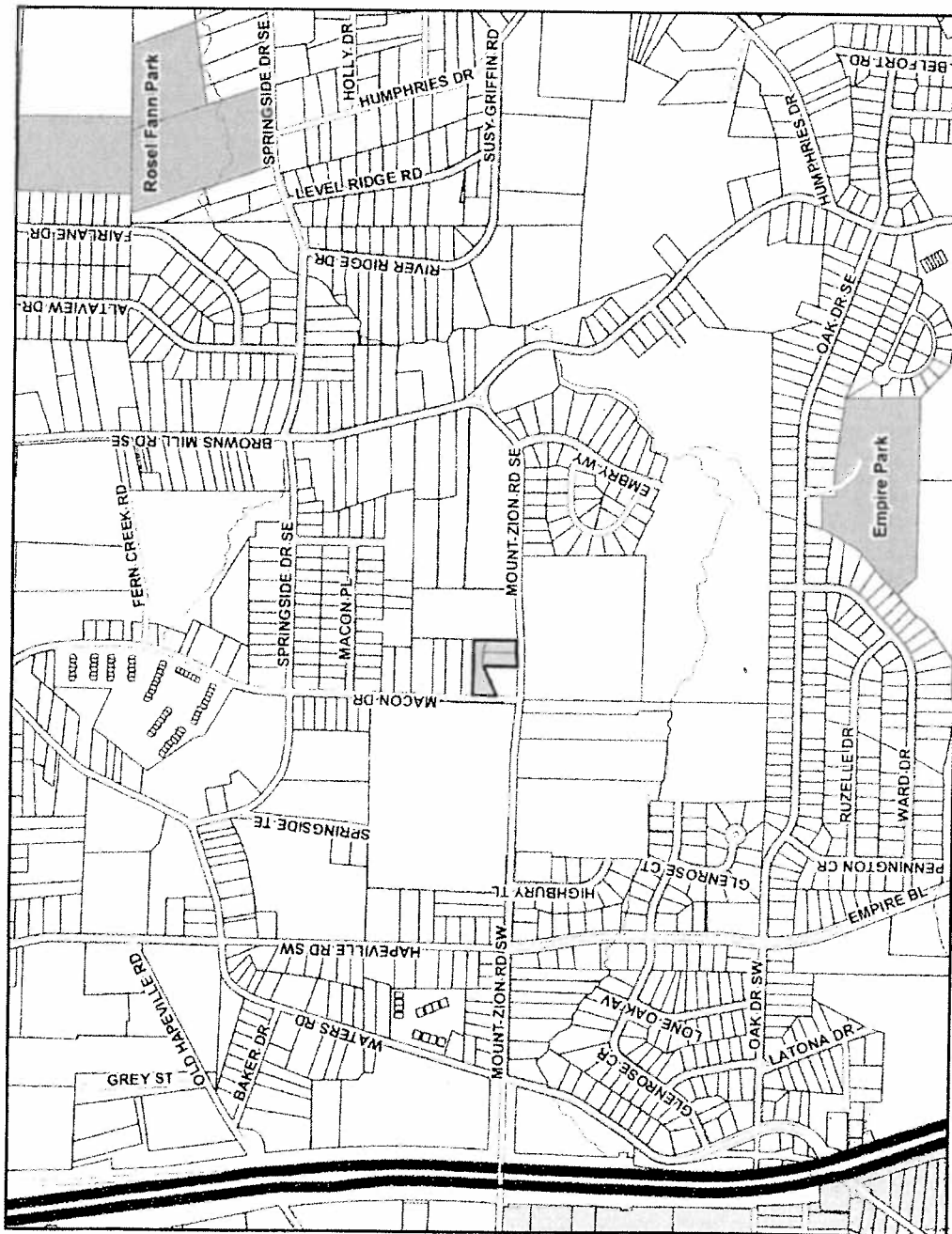
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EXHIBIT A

Macon Drive at Mt Zion



This map is a user generated, static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Notes: 3 parcels = 1.1 acres.

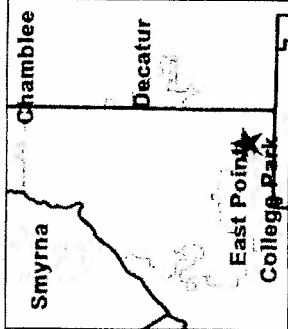
Map center: 2229395, 1336263



Scale: 1:11,165

Legend

- Streets and Highways
- Other Limited Access
- State Routes
- Arterial Roads
- Streets
- Ramps
- Unknown
- Interstates
- County Boundaries
- Parcels
- Airport Labels
- Airport Runways
- Runway/Apron/Taxiway
- Streams
- Ponds
- Parks
- Greenway Acquisitions
- Atlanta City Limits
- Metro Cities



Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance Executive Committee

Caption: AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO AUTHORIZE THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND TO ACCEPT THE DONATION OF APPROXIMATELY 1.08 ACRES OF PROPERTY LOCATED AT MACON DRIVE AND MT. ZION ROAD FROM MICHAEL TURGEON OR CURRENT LAND OWNER ("THE PROPERTY"), FOR THE PURPOSE OF CREATING A NEW PARK IN COUNCIL DISTRICT 12 ("PARK"), IN AN AMOUNT NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00). THE CITY'S PURCHASE PRICE, CLOSING COSTS, DUE DILIGENCE, AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE SOUTH AS SHOWN BELOW AND AMENDING THE 2013 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET FOR THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS AND THE DEPARTMENT OF FINANCE BY TRANSFERRING BETWEEN ACCOUNTS THE SUM OF SIXTY THOUSAND (\$60,000.00); AND FOR OTHER PURPOSES

Council Meeting Date: March 18, 2013

Requesting Dept.: Department of Parks, Recreation, and Cultural Affairs

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation.

The purpose of this legislative request is to have an Ordinance authorizing acceptance of the donation of approximately 1.08 acres of land from Michael Turgeon or current land owner for the creation of a new park in Council District 12, where due diligence, closing costs and limited clean up and development costs are in an amount not to exceed \$60,000 from Park Impact Fee South funds.

2. Please provide background information regarding this legislation.

The Department of Parks, Recreation and Cultural Affairs is actively expanding parkland throughout the city. This property has been identified as one which will expand the city's inventory of parkland and provide additional greenspace for an under-parked area of the city.

3. If Applicable/Known:

- (a) Contract Type-**
- (b) Source Selection:**
- (c) Bids/Proposals Due:**
- (d) Invitations Issued:**
- (e) Number of Bids:**
- (f) Proposals Received:**
- (g) Bidders/Proponents:** None
- (h) Term of Contract:**

4. Account Segment: The City's Purchase Price, Due Diligence and Purchase Services, in an amount not to exceed sixty thousand dollars (\$60,000.00) shall be paid from Park Impact Fee South 14201997 (Project), 114 (Task), 350291108 (Award), 5411001 (Expense Type Land).

5. Source of Funds: Park Impact Fee South

6. Fiscal Impact: This legislation will result in a reduction in an amount not to exceed \$60,000.00 to the Account Segment identified above in item 4.

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Ellen Wickersham, Senior Acquisition Manager, Parks and Greenspace and Trina Horton, DPRCA Departmental Contracting Officer/Legislative Liaison.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Trina Horton

Contact Number: (404) 546-6795

Originating Department: Department of Parks, Recreation and Cultural Affairs

Committee(s) of Purview: Finance Executive Committee

Chief of Staff Deadline: February 22, 2013

Anticipated Committee Meeting Date(s): March 13, 2013

Anticipated Full Council Date: March 18, 2013

Legislative Counsel's Signature: Billy Carter

Commissioner's Signature: [Signature]

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE

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FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: 2.22.13
(date)

Reviewed by: [Signature]
(date)

Submitted to Council: _____ (date)